IN THE DISTRICT COURT OF THE UNITED STATES FOR THE WESTERN DISTRICT OF NORTH CAROLINA ASHEVILLE DIVISION

CRIMINAL CASE NO. 1:12cr25

UNITED STATES OF AMERICA,)
vs.))
DEBORAH LEE TIPTON.)))

THIS MATTER is before the Court <u>sua sponte</u> to continue this case from the April 30, 2012 term of Court.

On April 4, 2012, the Defendant was charged in a three count Bill of Indictment with sexual exploitation of a minor, distribution of child pornography, and possession of child pornography, in violation of 18 U.S.C. §§2251(a), 2252(a) & 2252(b). [Doc. 1]. The Defendant first appeared with counsel on April 12, 2012 and was arraigned on April 16, 2012 at which time her case was placed on the April 30, 2012 trial calendar. [Doc. 6].

"Unless the defendant consents in writing to the contrary, the trial shall not commence less than thirty days from the date on which the defendant first appears through counsel or expressly waives counsel and elects to proceed pro se." 18 U.S.C. §3161(c)(2). The Defendant here has not so consented and thus, her trial may not start less than thirty days from her initial appearance and arraignment.

In addition, the Court finds that without a continuance, counsel would not have the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. 18 U.S.C. §3161(h)(7)(B)(iv).

For the reasons stated herein, the ends of justice served by continuing the Defendant's case outweigh the best interests of the public and the Defendant in a speedy trial. 18 U.S.C. $\S 3161(h)(7)(A)$.

IT IS, THEREFORE, ORDERED that the above-captioned case is hereby CONTINUED from the April 30, 2012 term in the Asheville Division.

Signed: April 17, 2012

Martin Reidinger United States District Judge